

PRESS RELEASE

Erik C. Peterson
United States Attorney
Western District of Wisconsin
(608) 264-5158
TTY (608) 264-5006
www.usdoj.gov/usao/wiw

For Immediate Release

June 1, 2007

Contact Person

Laura A. Przybylinski Finn
Assistant U.S. Attorney

Madison, Wisconsin -- Erik C. Peterson, United States Attorney for the Western District of Wisconsin, announced that a federal criminal complaint was filed today charging David R. Carmel, 32, of Gilman, Wisconsin, with possession of machine guns.

Carmel has been arrested and is in federal custody and is scheduled to appear in federal court in Madison before Magistrate Judge Stephen L. Crocker on Monday, June 4, 2007 at 10:00 am. A copy of the complaint is attached.

The arrest is the result of a joint investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives; Federal Bureau of Investigation; Department of Defense, Defense Criminal Investigative Service; Department of Homeland Security, Immigration and Customs Enforcement; Chippewa County Sheriff's Department; and the Town of Cornell Police Department. The prosecution of this case has been assigned to Assistant U.S. Attorney Laura A. Przybylinski Finn.

You are advised that a charge is merely an accusation and that a defendant is presumed innocent until and unless proven guilty.

#

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA)	Case No. 07-52M-X
)	
v.)	COMPLAINT FOR VIOLATION OF
)	TITLE 18, UNITED STATES
DAVID R. CARMEL,)	CODE, SECTION 922(o)
)	
Defendant.)	
)	

BEFORE United States Magistrate Judge
Stephen L. Crocker

United States District Court
120 North Henry Street
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states: On or about May 30, 2007, in the Western District of Wisconsin, the defendant, DAVID R. CARMEL, knowingly and unlawfully possessed two machineguns, specifically, an MG34, 7.92 x 57mm machinegun, Serial Number 8146, and an HK 21, 7.62 x 51mm machinegun, no serial number.

(All in violation of Title 18, United States Code, Section 922(o)).

This complaint is based on the attached affidavit of Special Agent William Todd Brookhiser, of the Federal Bureau of Investigation.

William Todd Brookhiser, Special Agent
Federal Bureau of Investigation

Sworn to before me this _____ day of June 2007.

HONORABLE STEPHEN L. CROCKER
United States Magistrate Judge

AFFIDAVIT

STATE OF WISCONSIN)
) ss.
DANE COUNTY)

I, William Todd Brookhiser, being first duly sworn on oath, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, assigned to the Madison Resident Agency. I have been an FBI Agent for approximately 10 years. My duties include investigation of federal criminal laws.
2. The information contained in this affidavit was provided to me by other law enforcement officers during the course of their official duties, and as such, I believe them to be reliable.
3. I received the information contained in the following paragraph from Special Agent William Baudhuin of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), who obtained the information as part of a joint investigation from agents of the Immigration & Customs Enforcement (ICE) and Defense Criminal Investigative Services (DCIS). I believe all of these officers to be truthful in that they obtained this information during the course of their official duties.

a. On May 22, 2007, an ICE agent acting in an undercover capacity made telephone contact with David R. Carmel, DOB 12-03-74. The undercover agent (UC) was calling from New York area and Carmel was located in Gilman, Wisconsin. The UC discussed with Carmel the opportunity to establish a meeting. Carmel was the target of an ICE investigation involving the theft, sale and diversion of stolen military supplies

including weapons. Carmel agreed to a meeting. Several other calls were made and a final meeting place was set at the Leinenkugel's Brewery in Chippewa Falls on May 30, 2007 at 1:45 p.m. These phone calls were recorded.

b. During these phone conversations, Carmel made a number of statements to the UC. Carmel invited the UC to his property to shoot. The UC asked what types of weapons Carmel possessed. Carmel stated he owned three weapons identified as a Rheinmetall MG3, an MG 34 & an Heckler & Kock HK21. Carmel stated that whatever ammunition the UC would bring, he would have a weapon to shoot it. There was a discussion about night-vision equipment. The property to which Carmel referred is located at 35060 225th Ave., Gilman, Wisconsin.

4. The information contained in this paragraph was provided to me by Investigator Chad Holum, Chippewa County Sheriff's Department.

a. At 1:30 p.m. on May 30, 2007, Carmel was taken into custody by special agents of DCIS pursuant to a federal arrest warrant based on the complaint out of the Southern District of New York. Carmel was then transported to the Chippewa County Sheriff's Office. During a search of the vehicle incident to arrest, the officers, assisted by deputies of the Chippewa County Sheriff's Office located two top handles made for a M16 machine gun. These handles contained a portion of the functional part of a M16 machinegun. Based upon his training experience in the Marine Corp and in law enforcement, Holum stated that without this part, the M16 would be unable to function unless the weapon has been altered in some manner.

b. Once at the jail, Carmel was interviewed. Carmel stated that he possessed one machinegun, MG M-119 , and stated he possessed a license for this weapon from the

ATF (Department of the Treasury). When asked about other types of machine guns, Carmel refused to answer any questions in this area. Carmel stated he and his girlfriend lived in the trailer and his parents occupy the house. He stated he had a shed as well. He further stated he worked for his father in the machine shop. Carmel also stated he has in a storage shed pieces of tanks, bullet shells, and machines. He further stated that when he discharged from the military he had transported gun barrels and ammunition to Wisconsin. He stated he had machine gun barrels which he had purchased from commercial sources. Carmel did not specify any limitations as to entering any of the buildings on the premises. At one point, Carmel was allowed to call his father. During this phone conversation, Carmel told his father that the feds had arrested him, and that his father could guess what it is for.

5. The information contained in this paragraph was provided to me by Special Agent William Baudhuin.

a. On June 1, 2007, a federal search warrant was executed at Carmel's residence located at 35060 225th Ave., Gilman, Wisconsin. Pursuant to the execution of that search warrant, officers found two of the machine guns described by Carmel to the UC in the main residence occupied by Carmel's parents. Specifically, officers found an MG34, 7.92 x 57mm machinegun, Serial Number 8146, and an HK 21, 7.62 x 51mm machinegun, no serial number.

b. Michael Powell, Firearms Enforcement Officer, assigned to the Firearms Technology Branch of the Bureau of Alcohol Tobacco Firearms and Explosives, performed function tests on the above-described machineguns and concluded that they functioned as machineguns, that is they both were able to shoot automatically more than one shot,

without manual reloading, by a single function of the trigger. Powell also confirmed, based on tests he or other agents performed, that there were in excess of 65 other functioning machineguns found on the property during the search.

Dated this 1st day of June 2007.

W. Todd Brookhiser, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this _____ day of June 2007.

Notary Public, State of Wisconsin
My Commission: _____.